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DEPARTMENT FOR SCA/INS

E.O. 12958: N/A

TAGS: [PREL](#) [PTER](#) [PHUM](#) [PREF](#) [MOPS](#) [CE](#)

SUBJECT: SRI LANKA: PROPOSAL FOR U.S. SUPPORT TO COMMISSION  
OF INQUIRY ON HUMAN RIGHTS

REF: A. COLOMBO 1849

- [1](#)B. COLOMBO 1793
- [1](#)C. COLOMBO 1676
- [1](#)D. COLOMBO 1651
- [1](#)E. COLOMBO 1619

[1](#)1. Summary and Action Request: Embassy proposes that Department nominate a U.S. member of an international panel, the International Independent Group of Eminent Persons (IIGEP), to assist and observe the Government of Sri Lanka's Commission of Inquiry on Human Rights. We further request that Department and USAID seek funding for the U.S. member, an expert assistant, and an international secretariat that will provide logistical support to the work of the IIGEP. The Government of Sri Lanka has requested nominations by November 15. Most other countries (with the exception of Japan) invited to nominate panel members have indicated they will do so but will miss this deadline. Both Embassy and USAID mission place the highest priority on this project. USAID mission is working to identify funds that can be reprogrammed from other projects, but additional funding will be essential to ensure adequate U.S. participation. Embassy asks that Department consider this proposal expeditiously. End summary.

Background

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[1](#)2. In response to international concern over a marked deterioration in its human rights record in the past year, the Government of Sri Lanka has worked with international partners, including the US, to develop a practical and credible mandate for a national Commission of Inquiry on Human Rights. The Sri Lankan government, the UN Office of the High Commissioner for Human Rights (OHCHR) and international partners have agreed on practical Terms of Reference for an International Independent Group of Eminent Persons (IIGEP) to observe and assist the Commission of Inquiry to ensure that its investigations are transparent and meet international standards.

¶3. This effort by the GSL to address the growing number of human rights abuses is fundamental to the U.S. Mission's goals in Sri Lanka. These include the linked issues of securing protections for minorities and facilitating a peaceful resolution of Sri Lanka's long-running ethnic conflict. The Commission of Inquiry is an effort by the government to hold itself accountable for alleged human rights violations by renegade elements of the country's military and police forces. The Commission is expected to hold the Liberation Tigers of Tamil Eelam responsible for their own massive violations of human rights and dignity as well. The Commission of Inquiry will consist of eight Sri Lankan members from civil society and law backgrounds. The IIGEP will observe and monitor the work of the Commission of Inquiry; it will not conduct its own investigations into the alleged human rights violations. Per reftels, the Commission of Inquiry and corresponding IIGEP urgently deserve our strong support. This proposal endeavors to match resources to the need. We hope to secure a meaningful U.S. participation in the international panel to help the Sri Lankan government identify the parties responsible for the most notorious human rights cases that have occurred since August 2005 to prevent future occurrences.

#### Structure of the IIGEP

¶4. This effort is distinct from the funding for the Human Rights Commission - a completely different entity - requested in the FY07 USAID supplemental. Participating countries agreed that the experts will be nominees of (and funded by) sending governments but will act and speak in their own

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right. The membership would include: US, UK, Canada, Japan, Netherlands, Australia, EU, and the Interparliamentary Union (IPU). In addition, the Sri Lankan government has nominated two independent members: Indian Justice Bhagwati (chair) and Cypriot Andreas Mavrommatis of the U.N. Committee Against Torture. One individual from a slate of names put forward by the OHCHR will also be selected, but will not represent OHCHR. It is expected that there will be a total of 11 members of the IIGEP.

¶5. Schedule of Presence of Eminent Persons in Sri Lanka: Total of 2-4 trips for each panel member; 4-6 weeks total at a minimum for each member. Ideally, all would be in Sri Lanka at the outset (for a ceremonial opening and initial meeting) and at the end (to assess progress and results).

¶6. Assistants, including coordination of specializations: It will be important to avoid duplication in the areas of competence of the specialists. The ad-hoc group of embassies in Colombo will help coordinate the skills of experts to assist the IIGEP. In most cases, to support the work of the panel member, the expert assistant should be from the same or a related field. Assistants might also provide support in such areas as public affairs.

#### Funding the IIGEP

¶7. Funding will be required for the experts and their assistants, as well as for a support structure for the IIGEP. Costs for the support structure for the IIGEP will include vehicles, drivers, interpretation, office equipment, utilities, and secretarial support. The GSL has offered office space. The ad-hoc coordinating group in Colombo has agreed that it will be necessary to hire an implementing agency to handle the above logistics. The EU plans to channel its funding through the International Organization of Migration (IOM). Embassy recommends that the Department consider following suit. It is possible that IOM would be viable as the implementing agency as well.

¶8. While a final budget has not yet been determined, the estimated total cost for the project is \$6-7 million (including contributions from all parties). Our USAID mission is currently reviewing the possibility of reprogramming other funds for this purpose, but it is clear that the USAID country program will not be able to fully fund the U.S. share of this initiative out of existing resources. Embassy hopes that additional funds can be identified by the F Bureau and USAID Washington to support the U.S. panel member, the U.S. expert assistant, and our share of the secretariat. The funding source for the Indian and Cypriot

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members and the individual from the OHCHR slate has not yet been determined.

#### Deadlines and Duration

¶9. Thus far, only Japan has made the November 15 deadline, but the EU plans to make its nomination early next week. The UK, EU, Canada, Australia, Netherlands and IPU have signaled that they will nominate members shortly. Ambassador Blake told Foreign Minister Mangala Samaraweera informally on November 14 that, like most of the other participating countries, the U.S. would need more time, and the DCM likewise informed Minister of Disaster Management and Human Rights Mahinda Samarasinghe on November 16. We would like to confirm U.S. participation and nominate a candidate as soon as possible.

¶10. The warrant for the Commission of Inquiry is 12 months. The time frame for the 4-6 week commitment of the IIGEP experts should be approximately February 1, 2007 to May 1, ¶2008. The expert assistants should be on the ground for 15

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months. The report is due to the President of Sri Lanka in 12 months. He has three months to respond to the report; this response period will be a critical period for the IIGEP.

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